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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,807	04/27/2001	Kraig A. Kirschner	261/178	4280

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/844,807

Applicant(s)

KIRSCHNER, KRAIG A. *K*

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Steinke (US 4408928).

Steinke (figures 2-5) teaches connector structure for attachment to a beam 32, 33 having first legs 36 and second legs 34 that define a cord space therebetween. The connector comprises an anchor plate 41, 44 extendable across the cord space into juxtaposition with the second legs, an engagement plate 50 including a flat anchor portion 51 and upstanding engagement portions to either side of the flat anchor portion, each upstanding engagement portion having a distal edge with an engagement profile defining an intermediate tongue 56 flanked on each side by shoulders 57 that abut the first legs 36 for interlocking engagement and a threaded stud in the form of the bolt 48 that passes through apertures in the anchor and engagement plates. The device of Steinke is fully capable of being called a seismic adapter as used by Steinke and the beam is not seen as being claimed in combination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinke (US 4408928) in view of Koyama (US 5259165).

Steinke (figures 2-5) teaches connector structure for attachment to a beam 32, 33 having first legs 36 and second legs 34 that define a cord space therebetween. The connector comprises an anchor plate 41, 44 extendable across the cord space into juxtaposition with the second legs, an engagement plate 50 including a flat anchor portion 51 and upstanding engagement portions to either side of the flat anchor portion, each upstanding engagement portion having a distal edge with an engagement profile defining an intermediate tongue 56 flanked on each side by shoulders 57 that abut the first legs 36 for interlocking engagement and a threaded stud in the form of the bolt 48 that passes through apertures in the anchor and engagement plates. The difference is that the anchor plate is not threaded and it isn't square. However, Koyama (figures 3-5) teaches forming an engagement plate 2 with a tongue 2e flanked by two shoulders and an anchor plate 3 that is flat over the length of the second legs of the beam and is with a threaded aperture 3g to receive the threaded stud. It would have been obvious to modify the connector structure of Steinke so that the anchor plate has a threaded aperture to receive the bolt in view of Koyama suggesting such structure and to render the anchor plate flat and square is a matter suggested by the structure of Koyama in which the engagement face of the anchor plate 3 with the second legs of the beams is flat and while using a trapezoidal geometry, the use of a square geometry would appear

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to be obvious since there does not appear to be a beneficial result over that taught by Koyama. As to claims 5 and 6, the tongue 2e of Koyama has the free end curved so as to aid in insertion and this suggests tapering the tongue of the connector of Steinke. Further with respect to claim 6, Steinke shows the engagement portion to extend at a right angle to the flat anchor portion and to change the angle so as to be at an obtuse angle would have been obvious since the device of Steinke would function equally well.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinke (US 4408928).

Steinke (figures 2-5) teaches connector structure for attachment to a beam 32, 33 having first legs 36 and second legs 34 that define a cord space therebetween. The connector comprises an anchor plate 41, 44 extendable across the cord space into juxtaposition with the second legs, an engagement plate 50 including a flat anchor portion 51 and upstanding engagement portions to either side of the flat anchor portion, each upstanding engagement portion having a distal edge with an engagement profile defining an intermediate tongue 56 flanked on each side by shoulders 57 that abut the first legs 36 for interlocking engagement and a threaded stud in the form of the bolt 48 that passes through apertures in the anchor and engagement plates. The difference is that the engagement portion extends at a right angle to the flat anchor portion. It would have been obvious to extend the angle so as to be obtuse since there is no improvement in function or critical reason to be at an obtuse angle.

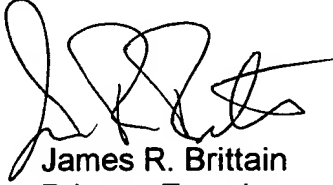
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Zinkmann et al. (US 4362422), Roellin (US 4950099), van Gijssel et al. (US 6290429), Witherbee et al. (US Re 35479), Evans (US 2944642), Oudot et al. (US 4073113), Adams (US 1893481), and Condit et al. (US 4830531) teach pertinent connector structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on Monday - Friday from 5:30 to 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain  
Primary Examiner  
Art Unit 3677

JRB  
September 9, 2002